

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:

RIC F. MALIK.,

Debtor.

EARL GEERTGENS AND
TAMA GEERTGENS

v.

RIC F. MALIK.,

Debtor.

Case No. 23-03241-ESL7

Chapter 7

Adversary Proceeding No. 24-00015-ESL

**MOTION TO RECONSIDER DISMISSAL OF
ADVERSARY PROCEEDING**

TO THE HONORABLE COURT:

COMES NOW, creditors Earl Geertgens and Tama Geertgens (“ETG”), represented by the undersigned legal counsel, and respectfully states as follows:

1. ETG filed this adversary proceeding on February 20, 2024. The matter has been delayed largely by the Debtor’s repeated motions to dismiss and for extensions of time. Debtor filed an Answer on September 12, 2024. Discovery has been served upon the Debtor, but not answered.

2. On October 11, 2024, without leave of Court, Debtor filed an Amended Answer to complaint, with counterclaim.

3. On October 29, 2024, ETG filed a motion to dismiss or strike the Amended Answer with Counterclaims.

4. Debtor’s counsel filed motions for extension of time to respond on November 12,

2024, and December 1, 2024, both of which were granted by the Court. A response was to be filed by the Debtor by December 26, 2024, with no further extensions. No response or objection was filed by the Debtor.

5. On January 3, 2025, the Court granted the unopposed motion to dismiss or strike the Amended Answer with Counterclaim.

6. The court, in an apparent error, ordered that ETG's adversary proceeding be dismissed, rather than striking the pleading that formed the basis of ETG's motion to dismiss or strike.

7. On January 3, 2025, the Court entered an order dismissing ETG's adversary proceeding, rather than entering an order addressed to the Debtor's pleading – the subject of the pending, and unopposed motion to dismiss. No motion was made or pending for dismissal of the adversary proceeding.

WHEREFORE, ETG respectfully requests the Court (i) vacate the order dismissing adversary proceeding, (ii) amend its order granting the unopposed motion to strike Debtor's Amended Answer with Counterclaims, and (iii) set scheduling of the pre-trial conference appropriately.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on January 8, 2025.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional 3 days pursuant to F.R.B.P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may, in its discretion, schedule a hearing.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by way of the CM/ECF System, which will send notification to the CM/ECF participants.

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